

Professionalism Commission Minutes, August 24, 2005

Judge Battaglia called the meeting to order at 4:00 p.m. Absentees included: R. Baldwin, Judge Bennett, A. Dash, L. Lamone, Judge Legg, N. Monteleone, L. Ostovitz, J. Otway, D. Potter, D. Saunders, Judge Sweeney, D. Walters, B. Warnken. The minutes from the July 13, 2005 Meeting were approved.

Tom Lynch presented the Supplemental Report of the Professionalism Subcommittee. The subcommittee studied the possibility of converting the previously drafted Indicia of Professionalism to mandatory guidelines to be made an appendix to Rules of Professional Conduct, Rule 8.4. Upon study and further reflection, the subcommittee has determined that this is not workable. Instead, the subcommittee suggests that the commission read and be prepared, at the October meeting, to discuss the Supplemental Report as a possible comment to Rule 8.4. Judge Battaglia encouraged the Commission Members to study the report and contact the subcommittee with thoughts and suggestions before the October Meeting.

Dana Williams submitted the Recommendation to the Professionalism Commission from the Subcommittee on Discovery Abuse, Including the Use of Discovery Masters. The recommendations were discussed and revised, line by line. The approved revisions will be memorialized by Judge Battaglia and Reporter, Norman Smith and circulated before the next meeting.

The question remains as to whether the recommendations of the Discovery Subcommittee should be submitted to the Court or if the Commission should wait and submit all recommendations from all subcommittees at once.

Debbie Potter submitted the subcommittee report on new admittee course changes. There was considerable discussion of the suggestion that new admittees take the professionalism course later, perhaps a year after admission. It was suggested that the attendees might get more from the course after practicing for some time. There was suggestion to get feedback from those taking the test or from the faculty.

Another suggestion was that the new admittee course be given in several jurisdictions and coupled with the pairing of new admittees with mentors. To inform the commission's decision, a each commission member will investigate procedures in another state and report back. Tom Lynch will develop a questionnaire for our use.

The next meeting will be on October 5, 2005 **at 3:00 p.m.** The agenda will include the final Discovery subcommittee report, new admittee information, Lynch subcommittee report, subcommittee on unauthorized practice final report.

Judge Battaglia adjourned the meeting at 6:00 p.m. Various Subcommittee Reports will be made a part of these minutes.